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INTERNATIONAL CORP (BLF)
c/o BIGGERS & OHANIAN, LLP
P.O. BOX 1469
AUSTIN, TX 78767-1469

EXAMINER	
PATEL, MANGLESH M	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/734,764
Filing Date: December 11, 2003
Appellant(s): BODIN ET AL.

Thomas D. Fortenberry
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/13/2007 appealing from the Office action mailed 4/18/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,748,186 Raman 05-1998

U.S. Pub 2003/0023435 A1, Josephson, 01-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims Rejections – 35 U.S.C. 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9-15, and 17-23 remain rejected under 35 U.S.C. 102(b) as being clearly anticipated by Raman (U.S. Patent 5,748,186), issued May 5, 1998 [hereinafter "Raman"].

Regarding **dependent claim 1**, Raman teaches:

> *A method for creating a presentation document, the method comprising:*
>
> *creating, in dependence upon an original document, a structured document comprising one or more structural elements; and*

(See, Raman, col. 2, lines 18-35. See also, Raman, col. 3, lines 6-11, teaching retrieving a document and converting the information to a "common intermediate representation" with a structure of the information.)

> *creating a presentation grammar for the structured document, wherein the presentation grammar for the structured document includes grammar elements*

each of which includes a structural element identifier for at least one structural element of the structured document.

(See, Raman, col. 6, lines 29-31, teaching that control signals can include recognized speech, which inherently includes a grammar to be recognized. Further, see, Raman, claims 14 and 22, teaching interactivity of the system accomplished using only speech.)

Regarding **dependent claim 2**, Raman teaches:

The method of claim 1 wherein creating a structured document further comprises inserting in the structured document structural element identifiers for the structural elements.

(See, Raman, Col. 5, lines 21-32, teaching changing structural element identifiers, rendering methods, to accommodate different renderings. The various changed identifiers amounting to differing styles for the structured document.)

Regarding **dependent claim 3**, Raman teaches:

The method of claim 1 wherein creating a structured document further comprises converting existing structural element identifiers from the original document to structural element identifiers for the structural elements of the structured document.

(See, Raman, col. 2, lines 18-34, and col. 3, line 6 through col. 4, line 76, teaching receiving original documents, e.g.: rendered in HTML, which is a structured document language, and parsing the data to a structured hierarchical attributed tree. See also,

Raman, figure 3, element 330 identifying <title> and element 361 identifying <p> for paragraph.)

Regarding **dependent claim 4**, Raman teaches:

The method of claim 1 wherein creating a presentation grammar for the structured document comprises:

identifying the content type of the original document;

(It is noted that "identifying the content type of the original document" is disclosed as follows: "identifying the content type may be carried out by identifying the content type in dependence upon a filename extension. In other embodiments, identifying the content type is carried out by identifying the content type in dependence upon document header elements." See, disclosure, page `3, lines 17-21.

See, Raman, col. 5, lines 47-56, teaching retrieval, recognition, and presentation of an HTML document, as an example of the invention. See also, Raman, col. 3, lines 6-8, teaching a "recognizer 130" coupled to the receiver 120, to convert information 11 into a common intermediate high-level logical data structure 200, the recognizer must inherently identify and know the content type of the original document in order to process it. See also, Raman, figure 3, element 330 identifying <title> and element 361 identifying <p> for paragraph.)

selecting, in dependence upon the content type, a full presentation grammar from among a multiplicity of full presentation grammars; and

(See, Raman, col. 3, lines 8-20, teaching, for example, presentation of aural information by a speech synthesizer, monitor, Braille and by animated cartoon. See also, Raman, col. 3, lines 30-34, teaching the use of a voice input speech recognizer to control the presenter of the content types.)

filtering the full presentation grammar into a presentation grammar for the structured document in dependence upon the structural elements of the structured document.

(It is noted that filtering the full presentation grammar includes writing from the full presentation grammar to the presentation grammar for the structured document each grammar element having a structural element identifier of a structural element that occurs in the structured document. Applicants' disclosure, page 3 lines 23-26.

See, Raman, col. 2, lines 36-45, teaching the use of "control signals" as "presentation grammar" to control the modality being used to control the presentation. See, Raman, col. 6, lines 30-33, teaching that a control signal may include recognized speech as an input. See, also Raman, col. 3, lines 30-34, teaching that the data retriever and the presentor of the system may be controlled by voice recognized input couple to a speech recognizer. And see, Raman, col. 5, lines 38-46, teaching "navigational methods associated with objects allow the user to browse through the text by taking into consideration the underlying structure of the document." And see, Raman, claim 1, lines 13-15, teaching "presenting the common intermediate representation using a plurality of user communication modalities according to the hierarchical attribute trees." And see, Raman, col. 4, lines 22-27, teaching speech

response to aural presentation of stock data. For each type of speech response, it is inherent that there be an associated grammar.)

Regarding **dependent claim 5**, Raman teaches:

The method of claim 4 wherein identifying the content type comprises identifying the content type in dependence upon a filename extension.

(See, Raman, col. 3, lines 41-44, teaching recognizing file type by extension, i.e.: "html." See also, Raman, col. 5, lines 47 through col. 6, line 4, teaching identification of the document by tags, such as <html>. See also, Raman, figure 3, element 330 identifying <title> and element 361 identifying <p> for paragraph.)

Regarding **dependent claim 6**, Raman teaches:

The method of claim 4 wherein identifying the content type comprises identifying the content type in dependence upon document header elements.

(See, Raman, col. 4, lines 38-49, teaching receiving a source document by characters encoded as text as well as marks placed in the text to define the structure, and the "recognizer" to parse the character stream into fundamental source elements, for example, title, sections, sub-sections, paragraphs, sentences, links, forms and so forth. See also, Raman, col. 5, lines 47 through col. 6, line 4, teaching identification of the document by text element tags, such as <head>, <title>, <body> and <p>.)

Regarding **dependent claim 7**, Raman teaches:

The method of claim 4 wherein filtering the full presentation grammar comprises writing from the full presentation grammar to the presentation grammar for the structured document each grammar element having a structural element identifier of a structural element that occurs in the structured document.

(See, Raman, col. 2, lines 36-45, teaching the use of "control signals" as "presentation grammar" to control the modality being used to control the presentation. See, Raman, col. 6, lines 30-33, teaching that a control signal may include recognized speech as an input. See, also Raman, col. 3, lines 30-34, teaching that the data retriever and the presentor of the system may be controlled by voice recognized input couple to a speech recognizer. And see, Raman, col. 5, lines 38-46, teaching "navigational methods associated with objects allow the user to browse through the text by taking into consideration the underlying structure of the document." And see, Raman, claim 1, lines 13-15, teaching "presenting the common intermediate representation using a plurality of user communication modalities according to the hierarchical attribute trees." And see, Raman, col. 4, lines 22-27, teaching speech response to aural presentation of stock data. For each type of speech response, it is inherent that there be an associated grammar.)

Regarding **claims 9-15**, claims 9-15 incorporate substantially similar subject matter as claimed in claims 1-8, respectively, and are rejected along the same rationale.

Regarding **claims 17-23**, claims 17-23 incorporate substantially similar subject matter as claimed in claims 1-8, respectively, and are rejected along the same rationale.

Claims Rejection – 35 U.S.C. 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 8 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Raman as applied to claim 1 above, and further in view of Josephson, (U.S. Patent Publication 2003/0023435 A1), published January 30, 2003 [hereinafter "Josephson"].

Regarding **dependent claim 8**, Raman in view of Josephson teaches:

The method of claim 4 wherein the full grammar comprises a multiplicity of grammar elements for the content type, wherein each grammar element includes:

an identifier of a structural element;

a key phrase for invoking a presentation action; and

a presentation action identifier representing a presentation action.

(The key phrase function is inherent in Raman, but not expressly taught. See, Raman, col. 6, lines 30-33, teaching that a control signal may include recognized speech as an input. See, also Raman, col. 3, lines 30-34, teaching that the data retriever and the presentor of the system may be controlled by voice recognized input couple to a speech recognizer. And see, Raman, col. 4, lines 22-27, teaching speech response to aural presentation of stock data. For each type of speech response, it is inherent that there be an associated grammar and for each grammar that there be an identifier of the object to be acted upon, a signal for the action, and a presentation of the action signaled. In corporation of the grammar elements in a central file or in a separate file for each media type is a design decision between art recognized equivalents, namely placing controls in one or several files. In general, Raman teaches the creation of a structured document for user interaction based on attributes and classification, but it does not expressly teach a key phrase.

Josephson expressly teaches the use of a key phrase for invoking a presentation action. See, Josephson, paragraphs [0191]-[0259].

It would have been obvious to one of ordinary skill in the art at he time of the invention to combine the teachings of Raman and Josephson to result in a user interactive control of a structured document using a list of attributes, classifications (tags), and associated scope.

Both Raman and Josephson are related to the art of user interactions with computers to control document production, including via voice recognition commands, and both use tag, or classification, structured documents.

The suggestion or motivation for combining the references is found in Josephson, discussing the invention as an improvement to "voice-mousing" and control of "select next" type commands, which is one type of navigational control discussed in Raman. See, Josephson, paragraphs [0008]-[0010], and see, Raman, col. 7, lines 5-50.)

Regarding **claims 16 and 24**, claims 16 and 24, incorporate substantially similar subject matter as claimed in claim 8, and are rejected along the same rationale.

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

(10) Response to Argument

(1) Appellant Argues: Raman does not disclose creating a presentation Grammar for the structured document, wherein the presentation grammar for the structured document includes grammar elements each of which includes a structural element identifier for at least one structural element of the structured document. (pg 5, paragraph 4)

Raman's interactive system using only speech, however does not disclose creating a presentation grammar for the structured document, wherein the presentation grammar

for the structured document includes grammar elements each of which includes a structural element identifier for at least one structural element of the structured document as claimed in the present application because Raman's interactive system does not use a grammar. (pg 7, paragraph 2)

Again, interactivity using speech does not disclose..... (pg 8, paragraph 1)

Claims 8, 16, and 24 stand rejected under 35 U.S.C. 103 as obvious over Raman in view of Josephson. As explained above, the combination of Raman and Josephson does not teach or suggest each and every element of Appellant's claims and the

However The Examiner Respectfully Disagrees: A summary of appellant's entire brief describes repetitive arguments in that Raman doesn't teach presentation grammar. The brief fails to describe teachings of the Josephson reference because according to appellant Raman doesn't teach the presentation grammar limitation thus the combination fails. However the Examiner will point out why the Raman reference teaches the claimed limitation further supporting the previous rejection.

Independent claim 1 describes:

A method for creating a presentation document, the method comprising: creating, in dependence upon an original document, a structured document comprising one or more structural elements; and creating a presentation grammar for the structured document, wherein the presentation grammar for the structured document includes grammar elements each of which includes a structural element identifier for at least one structural element of the structured document.

The claim deals with the creation of a presentation document. Raman teaches a multimodal presentation system (title). He creates a presentation document as can be seen in fig 3. The claim further describes that a structured document which already contains structural elements (thus that is the reason why it is a structured document) is created from an original document. See, Raman, col. 2, lines 18-35, col. 3, lines 6-11 & abstract, teaching retrieving a document and converting the information to a "common intermediate representation" with a structure of the information. Thus he converts an original document to a structured format.

Then the claims describe creation of a presentation grammar associated with the structured document. This presentation grammar includes grammar elements with identifiers. Raman already discusses the use of presentation grammar by teaching that control signals can include recognized speech

(Raman, col. 6, lines 29-31). He then further states in column 3, lines 30-35 "..a voice input unit **coupled to a speech recognizer**, and **a speech synthesizer**." Thus Raman shows that the speech is tied to structured grammar components by using a speech synthesizer. Skilled artisan would realize that a speech synthesizer is for the purpose of conversion between text and speech. Thus by converting speech to textual elements, Raman creates a presentation grammar. Such a presentation grammar is created by converting the speech to textual elements in the structured document as discussed in column 5, lines 48-67 and shown in figures 2-4. Furthermore it can be seen that every component in a structured document is already identified (see fig 3). For Example the synthesizer converts the speech into a textual format it is described in a structured document with associated identifiers shown in fig 3 using tags such as <title>, <address> etc.. Raman invention deals with presentation systems and he ties in presentation grammar by converting speech to text using a synthesizer, he further uses this text for his presentation system which is already in structured format thus including identifiers.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

The Examiner appreciates applicant's effort, however for the above reasons; it is believed that the rejection should be sustained.

Respectfully submitted,

STEPHEN HONG
SUPERVISORY PATENT EXAMINER

Manglesh M Patel
Patent Examiner (AU 2178)
12/6/07

Conferees:

Stephen S. Hong
Supervisory Patent Examiner (AU 2178)

Lynne H. Browne
Appeals Practice Specialist, TQAS
Technology Center 2100